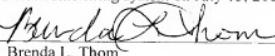


PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert M. Lund; Christopher D. Koch; Milton J. Johnson; Joel K. Lagerquist; Daniel R. Oelke; Jeffrey T. Kays; Joseph J. Knudsen; Steven J. Talus	Confirmation No.	3347
Serial No.:	09/873,933		
Filed:	June 4, 2001	Customer No.:	28863
Examiner:	Barry W. Taylor		
Group Art Unit:	2617		
Docket No.:	1034-017US01		
Title:	SYSTEM FOR CORRELATING A SUBSCRIBER UNIT WITH A PARTICULAR SUBSCRIBER IN A POINT-TO-MULTIPOINT NETWORK		

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via the United States Patent and Trademark Office's electronic filing system on July 13, 2009.

By: 
Name: Brenda L. Thom

REPLY BRIEF

Mail Stop: Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a Reply Brief responsive to the Office Action mailed August 12, 2008 and the Examiner's Answer dated May 11, 2009. Accordingly, the due date for this Reply Brief is Monday, July 13, 2009, July 11 being a Saturday.

No fees are believed to be due at this time. Please charge any fees that may be required or credit any overpayment to Deposit Account No. 50-1778.

ARGUMENT

In the Examiner's Answer to Appellant's Appeal Brief, the Examiner provided some new arguments in the section titled, "Response to Argument" beginning on page 12 of the Examiner's Answer. For brevity, this Reply Brief focuses on these arguments. Accordingly, this Reply Brief is not intended to address all arguments provided in the Examiner's Answer, and Appellant requests full consideration of all arguments set forth in the Appeal Brief.

FIRST GROUND OF REJECTION UNDER APPEAL

In the Examiner's Answer, the Examiner indicated the rejection of claims 63, 67, 68 and 69 under 35 U.S.C § 112, first paragraph as failing to comply with the written description requirement is vacated. Thus, this rejection has been withdrawn by the Examiner.

SECOND GROUND OF REJECTION UNDER APPEAL

In the Examiner's Answer, the Examiner maintained the rejection of claims 1, 2, 37, 39–41, 43, 44 and 47–55 and 62–69 under 35 U.S.C. § 103(a) as being obvious over Mulcahy et al. (US 6,002,746) in view of Dolin, Jr. et al. (US 5,420,572).

Appellant continues to respectfully traverse this rejection, and specifically addresses the "Response to Argument" portion of the Examiner's Answer, which begins on page 12.

Mulcahy et al. teaches a point-to-point system (Section I)

In Section I of the "Response to Argument" portion of the Examiner's Answer, the Examiner stated that, "The Examiner is not convinced that Mulcahy invention to be strictly limited to a point-to-point system." The Examiner then pointed out that, "Mulcahy invention allows a field engineer to identify a line at a junetion point or terminal point in an access network." However, the Examiner failed to identify how the techniques for identifying a line in the point-to-point system disclosed by Mulcahy et al. could be used in a point-to-multipoint network.

Appellant respectfully submits that the techniques for identifying a line disclosed by Mulcahy et al. could not be used to identify a line in a point-to-multipoint network. The disclosure of Mulcahy et al. relies on the layout of a point-to-point network to

identify which calling line corresponds to a terminal number. Specifically, Mulcahy et al. discloses that an engineer dials a test apparatus on a telephone line from a terminal, and the calling line identity is automatically sent to the test apparatus at the beginning of the call.¹ The engineer does not need to enter the calling line identity or even know the calling line identity for the test apparatus to receive the calling line identity.

In contrast, in a point-to-multipoint network, multiple subscribers in a point-to-multipoint network are served by the same transmission line that operates as a shared communication medium. For this reason, the initiation of a call across the shared medium in a point-to-multipoint network cannot be used to identify the line, a subscriber associated with that line, or a location code permitting identification of a geographic location of the subscriber (as recited in Appellant's claim 1). For this reason, the techniques for identifying a line in the point-to-point system disclosed by Mulcahy et al. are not applicable in a point-to-multipoint network.

Transmitting a location code (Section II)

The Examiner erroneously stated that Appellant argued that Mulcahy et al. does not teach transmitting the location code.² Instead, Appellant argues that Mulcahy et al. does not disclose prompting an installer to manually input a location code associated with a subscriber, the location code permitting identification of a geographic location of the subscriber, as recited in Appellant's claims. As discussed in Appellant's Appeal Brief, a terminal number as disclosed by Mulcahy et al. cannot reasonably be characterized as a location code within the context of Appellant's claims. Indeed, the Examiner failed to provide an argument to overcome this assertion in Section II or otherwise.

Combination of Mulcahy et al. and Dolin, Jr. et al. (Sections III, VI, IX, XI and XIII)

In the "Response to Argument" portion of the Examiner's Answer, the Examiner repeatedly addressed the combination of Mulcahy et al. and Dolin, Jr. et al. using substantially

¹ Mulcahy et al., column 4, lines 4–6 and column 5, lines 1–8.

² Examiner's Answer, page 13.

identical comments in each of Sections III, VI, IX, XI and XIII. For brevity, Appellant addresses each of these sections jointly.

In Section III, which is representative of each of Sections III, VI, IX, XI and XIII, the Examiner stated that “Mulcahy does not rule out the possibility of sending geographic location information to a database.”³ However, this statement ignores Appellant’s argument that the location code described by Dolin, Jr. et al. does not relate to a geographic location.

For example, in Dolin, Jr. et al., a network node is characterized by a node_id, a node type, and a location code. The node_id described by Dolin, Jr. et al. is a unique identifier of the node, and is assigned at the time of manufacture. The node type is likewise assigned by the manufacturer. The location code is assigned, however, by a system installer and assigns a node to a particular group or subnet.⁴ Accordingly, the location code described by Dolin, Jr. et al. only relates to a logical association and not a geographic location.

Dolin, Jr. et al. does not teach a location code that permits identification of a geographic location of a subscriber associated with a subscriber unit. For this reason and others as set forth in Appellant’s Appeal Brief, Dolin, Jr. et al. fails to overcome the deficiencies of Mulcahy et al. with respect to Appellant’s claims.

Mulcahy et al. does not teach a subscriber unit identifier (Section V)

In Section V, the Examiner cited Appellant’s arguments set forth on the bottom of page 21 of the Appeal Brief, but failed to respond to any of these arguments. For example, the Examiner erroneously stated that Appellant argued that Mulcahy et al. does not teach a subscriber unit located at a geographic location of a customer.⁵ Appellant disagrees with this statement as a telephone located within a subscriber’s premises would be a subscriber unit located at a geographic location of a customer.

Furthermore, in arguments set forth on the bottom of page 21 of the Appeal Brief, Appellant actually argues that a calling line identifier as disclosed by Mulcahy et al. cannot reasonably be characterized as a subscriber unit identifier. For example, a calling line identifier as disclosed by Mulcahy et al. does not identify a subscriber unit, but instead the line to which a

³ Examiner’s Answer, page 13.

⁴ See, e.g., Dolin, Jr. et al., Col. 11, lines 42-49.

⁵ Examiner’s Answer, page 14.

telephone or other equipment is connected. Again, in a point-to-point system, subscriber devices (e.g., telephones in Mulcahy) are coupled to uniquely identifiable lines, in contrast to a point-to-multipoint system in which subscriber devices are coupled to a shared communication medium. In the system of Mulcahy et al., a calling line identifier is the same both for a telephone at a customer's location as well as test equipment connected to a line at a node disclosed in Mulcahy et al. At least because a calling line identifier is not indicative of any particular equipment, a calling line identifier as disclosed in Mulcahy et al. cannot reasonably be characterized as a subscriber unit identifier as recited in Appellant's claims.

In this manner, in Section V, the Examiner failed respond Appellant's arguments set forth on the bottom of page 21 of the Appeal Brief in any meaningful way. For these reasons and others as set forth in Appellant's Appeal Brief, Mulcahy et al. fails to disclose a subscriber unit identifier as recited in Appellant's claims.

CONCLUSION OF ARGUMENT

All claims in this application are in condition for allowance. The Examiner has failed to meet the burden of establishing a prima facie case of anticipation or obviousness with respect to claims 1–3, 37, 39–41, 43, 44 and 47–55 and 62–69 for the reasons addressed above as well as the reasons set out in the Appeal Brief. The final rejection of claims 1–3, 37, 39–41, 43, 44 and 47–55 and 62–69 is improper and should be reversed, and all of the pending claims should be allowed.

Respectfully submitted,

Date:

By:

July 13, 2009
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